

REMARKS

Upon the filing of the attached RCE, reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

Summary of the Response

By the foregoing amendment, claims 30 and 37 have been amended, claim 27 has been canceled, and new claim 43 has been added. No new matter has been added. Claims 1-21 have been previously canceled. Thus, claims 22-26 and 28-43 are pending in this application and subject to examination.

In the Office Action mailed June 19, 2006, claims 22-42 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,654,801 B2 to Mann et al. (hereinafter "Mann"). It is noted that claims 30 and 37 have been amended, claim 27 has been canceled and new claim 43 has been added. To the extent the rejection remains applicable to the claims currently pending, the Applicants respectfully traverse the rejection, as follows.

Claims 22, 29, 30 and 37 Recite Patentable Subject Matter

Regarding claims 22, 29, 30 and 37, the Applicants respectfully submit that nothing in the cited prior art discloses or suggests at least the combination of features of "upon receiving notification of detecting a network or system failure, obtaining secure access to a client network infrastructure from the remote device; transmitting a remote device message to the network management server, . . . at the network management server, translating each instruction into a series of commands that are executable

against multiple network components,” as recited in claims 22 and 29 and the similar limitations of amended claims 30 and 37.

Specifically, Mann is directed to “a method for providing remote management and maintenance of a node or service within a data communications network that is initiated by the data communications network management system's failure to receive operational status signals [or receipt of abnormal condition signals] from a node or service. . . . The system administrator can take appropriate action to rectify the problem.” See column 2, line 50 through column 3, line 14. Thus, for example, Mann discloses detecting a problem from within the network, e.g. by the network management system either receiving, or failing to receive, a signal from a network node or service, and the “system administrator . . . [taking] appropriate action to rectify the problem.”

“Appropriate action” by the system administrator is described, for example, as “us[ing] a remote NCC application 74 or interface[ing] with the control adapter through Telnet 76. Telnet is a terminal emulation protocol commonly used on the Internet. Telnet allows the user to log onto and run a program from a remote computer or host. Through the use of the remote NCC application 74 or Telnet 76 the system administrator 62 is able to execute restart commands to the failed control adapter 56 or service adapter 52, re-route network traffic to account for the failed node 58/service 54 or take any other appropriate actions to alleviate the network difficulties. The use of the remote NCC application 74 or Telnet 76 allows the system administrator 68 to manage data communications network 50 remotely. System administrator 68 can start, stop and reconfigure the node 58 or service 54 remotely through communication with control adapter 56 or service adapter 52.” See column 9, lines 17 to 32.

The claimed invention, by contrast, among other things, is directed to above-cited combination of features to be performed via a remote device upon detecting a network or system failure, as recited in claims 22, 29, 30 and 37. The cited art fails to disclose or suggest at least these combinations of features.

For at least these reasons, the Applicant submits that claims 22, 29, 30 and 37 are allowable over the cited art.

Claims 23-26, 28, 31-36, and 38-43 Recite Patentable Subject Matter

Regarding claims 23-26, 28, 31-36, and 38-43, the Applicants respectfully submit that each of these claims depends from one of allowable claims 22, 30 and 37, and is therefore allowable for at least the same reasons, as well as for the additional subject matter recited respectively therein.

Conclusion

For all of the above reasons, it is respectfully submitted that the claims now pending patentably distinguish the present invention from the cited references. Accordingly, reconsideration and withdrawal of the outstanding rejections and an issuance of a Notice of Allowance are earnestly solicited.

Should the Examiner determine that any further action is necessary to place this application into better form, the Examiner is encouraged to telephone the undersigned representative at the number listed below.

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of time. The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment associated with this

communication to Deposit Account No. 01-2300, referring to client-matter number 026304-00002.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Juliana Haydoutova', written over a horizontal line.

Juliana Haydoutova
Attorney for Applicants
Registration No. 43,313

Customer No. 004372

ARENT FOX PLLC

1050 Connecticut Avenue, N.W., Suite 400

Washington, D.C. 20036-5339

Tel: (202) 715-8469

Fax: (202) 638-4810

JH:ksm

Enclosure: Petition for Extension of Time (3 months)